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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,565	11/21/2003	Bernard Boulanger	Q78365	8454

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WASHINGTON, DC 20037

EXAMINER

TRINH, THANH TRUC

ART UNIT	PAPER NUMBER
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1753

MAIL DATE	DELIVERY MODE
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08/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/717,565

Applicant(s)

BOULANGER, BERNARD

Examiner

Thanh-Truc Trinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 describes a solar cell with a reflector. Claim 10 further describes the solar cell in claim 1 comprising a second adjacent reflector having a lower face abutting the lower face of the first reflector in a symmetrical position... It is impossible for a solar cell containing two reflectors having lower faces abutting each other and in a symmetrical position.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-8, 11-13 and 15-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 2 recites the limitation "the central support" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4, which depends on claim 2, recites the limitation "the base" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites limitation "said reflector includes a base on which the cell rests, said base and the two under-reflectors forming a single piece of electrical insulating material". Claim 6 depends on claim 2, wherein claim 2 recites the limitation "the solar cell rests on the central portion of the reflector, the ends thereof being shaped in such a manner as to form two lateral under-reflectors for the cell". Claim 6 renders itself indefinite because it is not clear whether or not "the base" in claim 6 and "the central support" in claim 2 refer to different structures.

Claim 7 recites the limitation "the each cell" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 8, which depends on claim 1, recites the limitation "said flexible reflector present mechanical properties". There is insufficient antecedent basis for this limitation in the claim. Claim 1 recites the limitation "the mechanical flexibility properties of the reflector". "The mechanical flexibility properties of the reflector" and "the flexible reflector" can represent two different limitations. For example, "the mechanical flexibility properties of the reflector" can be understood that the flexibility of the reflector is come from the fixing means, not from the reflector itself; therefore it can't be a flexible reflector.

Claim 12 renders itself indefinite, because it fails to further limit the subject matter claimed. In claim 1, which claim 12 depends, recites the limitation "A solar cell for placing on a solar generator panel". Claim 12 state "The solar generator panel, characterized in that it includes a solar cell". The subject matter "a solar cell on a solar generator panel" is not further limited in claim 12.

Claim 19 renders itself indefinite because it recites the limitations "the panel" in lines 9, 11-12 and 14. There is insufficient antecedent basis for this limitation in the claim. In addition, claim 19 also recites the limitation "the support base is disposed between the solar cell and the panel". It is not clear whether or not "the panel" and "the solar generator panel" refer to the same structure, because "the solar generator panel" comprises a first solar cell component, which in turn comprises a solar cell, a first reflector and a support base. If the solar generator panel itself comprises a solar cell, a first reflector and a support base, then there is no "panel" for the support to be disposed between the solar cell and "the panel".

Claim 29 renders itself indefinite because it recites the limitations "the panel" in lines 9, 11-12 and 14. There is insufficient antecedent basis for this limitation in the claim. In addition, claim 29 also recites the limitation "the support base is disposed between the solar cell and the panel". It is not clear whether or not "the panel" and "the solar generator panel" refer to the same structure, because "the solar generator panel" comprises a first solar cell component, which in turn comprises a solar cell, a first reflector and a support base. If the solar generator panel itself comprises a solar cell, a

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first reflector and a support base, then there is no "panel" for the support to be disposed between the solar cell and "the panel".

Claims 3, 5, 11, 13, 15-18 are rejected because they depend on claim 2.

Claims 20-28 are rejected because they depend on claim 19.

Claims 30-32 are rejected because they depend on claim 29.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-32 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 10/681218. Although the conflicting claims are not identical, they are not patentably distinct from each other because the scope of the claims in

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copending application No. 10/681218 is essentially the same as that of the instant claims, except for the wording "solar cell" in the instant application and "solar panel" in the copending application. However, the variation of the "solar cell" from "solar panel" is indistinguishable.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

Applicant's arguments filed 5/23/2007, with respect to the rejection(s) of claim(s) 1, 8, 12-13 under U.S.C 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

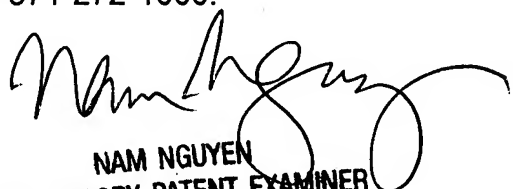
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Truc Trinh whose telephone number is 571-272-6594. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


NAM NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

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08/03/2007